

The Gazette of India

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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 10th May, 1963:—

BILL NO. XIV OF 1963

A Bill to make provision relating to marriages of citizens of India outside India.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Foreign Marriage Act, 1963.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “degrees of prohibited relationship” shall have the same meaning as in the Special Marriage Act, 1954;

(b) “district”, in relation to a Marriage Officer, means the area within which the duties of his office are to be discharged;

(c) “foreign country” means a country or place outside India, and includes a ship which is for the time being in the territorial waters of such a country or place;

(d) “Marriage Officer” means a person appointed under section 3 to be a Marriage Officer;

(e) “official house”, in relation to a Marriage Officer, means—

(i) the official house of residence of the officer;

43 of 1954.

(ii) the office in which the business of the officer is transacted;

(iii) a prescribed place; and

(f) "prescribed" means prescribed by rules made under this Act.

Marriage
Officers.

3. For the purposes of this Act, the Central Government may, by notification in the Official Gazette, appoint such of its diplomatic or consular officers as it may think fit to be Marriage Officers for any foreign country.

Explanation.—In this section, "diplomatic officer" means an ambassador, envoy, minister, high commissioner, commissioner, charge d' affaires or other diplomatic representative or a counsellor or secretary of an embassy, legation or high commission.

CHAPTER II

SOLEMNIZATION OF FOREIGN MARRIAGES

Conditions
relating to
solemniza-
tion of
foreign
marriages.

4. A marriage between parties one of whom at least is a citizen of India may be solemnized under this Act by or before a Marriage Officer in a foreign country, if, at the time of the marriage, the following conditions are fulfilled, namely:—

(a) neither party has a spouse living,

(b) neither party is an idiot or a lunatic,

(c) the bridegroom has completed the age of twenty-one years and the bride the age of eighteen years at the time of the marriage, and

(d) the parties are not within the degrees of prohibited relationship.

Notice of
intended
marriage.

5. When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the form specified in the First Schedule to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given, and the notice shall state that the party has so resided.

Marriage
notice Book

6. The Marriage Officer shall keep all notices given under section 5 with the records of his office and shall also forthwith enter a true copy of every such notice in a book prescribed for that purpose, to be called the "Marriage Notice Book".

7. Where a notice under section 5 is given to the Marriage Officer, he shall cause it to be published—

Publication
of notice.

(a) in his own office, by affixing a copy thereof to a conspicuous place, and

(b) in India and in the country or countries in which the parties are ordinarily resident, in the prescribed manner.

8. (1) Any person may, before the expiration of thirty days from the date of publication of the notice under section 7, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 4.

Objection to
marriage.

Explanation.—Where the publication of the notice by affixation under clause (a) of section 7 and in the prescribed manner under clause (b) of that section is on different dates, the period of thirty days shall, for the purposes of this sub-section, be computed from the later date.

(2) Every such objection shall be in writing signed by the person making it or by any person duly authorised to sign on his behalf, and shall state the ground of objection: and the Marriage Officer shall record the nature of the objection in his Marriage Notice Book.

9. If no objection is made within the period specified in section 8 to an intended marriage, then, on the expiry of that period, the marriage may be solemnized.

Solemniza-
tion of
marriage
where no
objection
made.

10. (1) If an objection is made under section 8 to an intended marriage, the Marriage Officer shall not solemnize the marriage until he has inquired into the matter of the objection in such manner as he thinks fit and is satisfied that it ought not to prevent the solemnization of the marriage or the objection is withdrawn by the person making it.

Procedure on
receipt of
objection.

(2) Where a Marriage Officer after making any such inquiry entertains a doubt in respect of any objection, he shall transmit the record with such statement respecting the matter as he thinks fit to the Central Government; and the Central Government, after making such further inquiry into the matter and after obtaining such advice as it thinks fit, shall give its decision thereon in writing to the Marriage Officer, who shall act in conformity with the decision of the Central Government.

11. (1) The Marriage Officer shall not solemnize a marriage under this Act if the intended marriage is prohibited by any law in force in the foreign country where it is to be solemnized.

Marriage not
to be in con-
travention of
local laws.

(2) The Marriage Officer may refuse to solemnize a marriage under this Act on the ground that in his opinion, the solemnization of the marriage would be inconsistent with international law or the comity of nations.

(3) Where a Marriage Officer refuses to solemnize a marriage under this section, any party to the intended marriage may appeal to the Central Government in the prescribed manner within a period of thirty days from the date of such refusal; and the Marriage Officer shall act in conformity with the decision of the Central Government on such appeal.

Declaration
by parties
and wit-
nesses.

12. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Marriage Officer, sign a declaration in the form specified in the Second Schedule, and the declaration shall be countersigned by the Marriage Officer.

Place and
form of
solemniza-
tion.

13. (1) A marriage by or before a Marriage Officer under this Act shall be solemnized at the official house of the Marriage Officer with open doors between the prescribed hours in the presence of at least three witnesses.

(2) The marriage may be solemnized in any form which the parties may choose to adopt:

Provided that it shall not be complete and binding on the parties unless each party says to the other in the presence of the Marriage Officer and the three witnesses and in any language understood by the parties,—“I, (A), take thee (B), to be my lawful wife (or husband)”.

Certificate of
marriage.

14. (1) Whenever a marriage is solemnized under this Act, the Marriage Officer shall enter a certificate thereof in the form specified in the Third Schedule in a book to be kept by him for that purpose and to be called the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and the three witnesses.

(2) On a certificate being entered in the Marriage Certificate Book by the Marriage Officer, the certificate shall be deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized, and that all formalities respecting the residence of the party concerned previous to the marriage and the signatures of witnesses have been complied with.

Validity of
foreign
marriages in
India.

15. Subject to the other provisions contained in this Act, a marriage solemnized in the manner provided in this Act shall be recognised by courts in India as a valid marriage.

16. Whenever a marriage is not solemnized within three months from the date on which notice thereof has been given to the Marriage Officer as required under section 5 or where the record of a case has been transmitted to the Central Government under section 10, or where an appeal has been preferred to the Central Government under section 11, within three months from the date of decision of the Central Government in such case or appeal, as the case may be, the notice and all other proceedings arising therefrom shall be deemed to have lapsed, and no Marriage Officer shall solemnize the marriage until new notice has been given in the manner laid down in this Act.

New notice when marriage not solemnized within three months.

CHAPTER III

REGISTRATION OF FOREIGN MARRIAGES SOLEMNIZED UNDER OTHER LAWS

17. (1) Where—

Registration of foreign marriages.

(a) a Marriage Officer is satisfied that a marriage has been duly solemnized in a foreign country in accordance with the law of that country between parties of whom one at least was a citizen of India; and

(b) a party to the marriage informs the Marriage Officer in writing that he or she desires the marriage to be registered under this section,

the Marriage Officer may, upon payment of the prescribed fee, register the marriage.

(2) No marriage shall be registered under this section unless at the time of registration it satisfies the conditions mentioned in section 4.

(3) Registration of a marriage under this section shall be effected by the Marriage Officer by entering a certificate of the marriage in the prescribed form and in the prescribed manner in the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and by three witnesses.

(4) A marriage registered under this section shall, as from the date of registration, be deemed to have been solemnized under this Act.

CHAPTER IV

MATRIMONIAL RELIEF IN RESPECT OF FOREIGN MARRIAGES

Matrimonial
reliefs to
be under
Special
Marriage
Act, 1954.

18. (1) Subject to the other provisions contained in this section, the provisions of Chapters IV, V, VI and VII of the Special Marriage Act, 1954, shall apply in relation to marriages solemnized under this Act and to any other marriage solemnized in a foreign country between parties of whom one at least is a citizen of India as they apply in relation to marriages solemnized under that Act.

43 of 1954.

Explanation.—In its application to the marriages referred to in this sub-section, section 24 of the Special Marriage Act, 1954, shall be subject to the following modifications, namely:—

43 51

(i) the reference in sub-section (1) thereof to clauses (a), (b), (c) and (d) of section 4 of that Act shall be construed as a reference to clauses (a), (b), (c) and (d) respectively of section 4 of this Act, and

(ii) nothing contained in section 24 aforesaid shall apply to any marriage—

(a) which is not solemnized under this Act; or

(b) which is deemed to be solemnized under this Act by reason of the provisions contained in section 17:

Provided that the registration of any such marriage as is referred to in clause (b) may be declared to be of no effect if the registration was in contravention of sub-section (2) of section 17.

(2) Every petition for relief under Chapter V or Chapter VI of the Special Marriage Act, 1954, as made applicable to the marriages referred to in sub-section (1), shall be presented to the district court within the local limits of whose ordinary civil jurisdiction—

43 of 1954.

(a) the respondent is residing at the time of the presentation of the petition; or

(b) the husband and wife last resided together; or

(c) the petitioner is residing at the time of the presentation of the petition, provided that the respondent is at that time residing outside India.

Explanation.—In this section, “district court” has the same meaning as in the Special Marriage Act, 1954.

43 of 1954

(3) Nothing contained in this section shall authorise any court—

(a) to make any decree of dissolution of marriage, except where—

(i) the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

(ii) the petitioner, being the wife, was domiciled in India immediately before the marriage and has been residing in India for a period of not less than three years immediately preceding the presentation of the petition;

(b) to make any decree of nullity of marriage, except where—

(i) the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

(ii) the marriage was solemnized under this Act and the petitioner is either domiciled or residing in India at the time of the presentation of the petition;

43 of 1954.

(c) to grant any other relief under Chapter V or Chapter VI of the Special Marriage Act, 1954, except where the petitioner is residing in India at the time of the presentation of the petition.

43 of 1954.

(4) Nothing contained in sub-section (1) shall authorise any court to grant any relief under this Act in relation to any marriage in a foreign country not solemnized under it, if the grant of relief in respect of such marriage (whether on any of the grounds specified in the Special Marriage Act, 1954, or otherwise) is provided for under any other law for the time being in force.

CHAPTER V

PENALTIES

45 of 1869.

19. (1) Any person whose marriage is solemnized under this Act and who, during the subsistence of his marriage, contracts any other marriage in India shall be subject to the penalties provided in section 494 and section 495 of the Indian Penal Code and the marriage so contracted shall be void. Punishment for bigamy.

(2) The provisions of sub-section (1) apply also to any such offence committed by any citizen of India without and beyond India.

Punishment
for contra-
vention of
certain
other condi-
tions for
marriage.

20. Any citizen of India who procures a marriage of himself or herself to be solemnized under this Act in contravention of the condition specified in clause (c) or clause (d) of section 4 shall be punishable—

(a) in the case of a contravention of the condition specified in clause (c) of section 4, with simple imprisonment which may extend to fifteen days or with fine which may extend to one thousand rupees or with both; and

(b) in the case of a contravention of the condition specified in clause (d) of section 4, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment
for false
declaration.

21. If any citizen of India for the purpose of procuring a marriage, intentionally—

(a) where a declaration is required by this Act, makes a false declaration; or

(b) where a notice or certificate is required by this Act, signs a false notice or certificate;

he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Punishment
for wrongful
action of
Marriage
Officer.

22. Any Marriage Officer who knowingly and wilfully solemnizes a marriage under this Act in contravention of any of the provisions of this Act shall be punishable with simple imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VI

MISCELLANEOUS

Recognition
of marriages
solemnized
under law of
other
countries.

23. If the Central Government is satisfied that the law in force in any foreign country for the solemnization of marriages contains provisions similar to those contained in this Act, it may, by notification in the Official Gazette, declare that marriages solemnized under the law in force in such foreign country shall be recognized by courts in India as valid.

Certification
of docu-
ments of
marriages
solemnized
in accor-
dance with
local law in
a foreign
country.

24. (1) Where—

(a) a marriage is solemnized in any foreign country specified in this behalf by the Central Government, by notification in the Official Gazette, in accordance with the law of that country between parties of whom one at least is a citizen of India; and

(b) a party to the marriage who is such citizen produces to a Marriage Officer in the country in which the marriage was solemnized--

(i) a copy of the entry in respect of the marriage in the marriage register of that country certified by the appropriate authority in that country to be a true copy of that entry; and

(ii) if the copy of that entry is not in the English language, a translation into the prescribed language of that copy; and

(c) the Marriage Officer is satisfied that the copy of the entry in the marriage register is a true copy and that the translation, if any, is a true translation;

the Marriage Officer, upon the payment of the prescribed fee, shall certify upon the copy that he is satisfied that the copy is a true copy of the entry in the marriage register and upon the translation that he is satisfied that the translation is a true translation of the copy and shall issue the copy and the translation to the said party.

(2) A document relating to a marriage in a foreign country issued under sub-section (1) shall be admitted in evidence in any proceedings as if it were a certificate duly issued by the appropriate authority of that country.

25. Every certified copy purporting to be signed by the Marriage Officer of an entry of a marriage in the Marriage Certificate Book shall be received in evidence without production or proof of the original. Certified copy of entries to be evidence.

26. (1) Any Marriage Officer who discovers any error in the form or substance of any entry in the Marriage Certificate Book may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other witnesses, correct the error by entry in the margin without any alteration of the original entry and add thereto the date of such correction. Correction of errors.

(2) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

27. Nothing in this Act shall in any way affect the validity of a marriage solemnized in a foreign country otherwise than under this Act. Act not to affect validity of marriages outside t.

Power to
make rules.

28. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the duties and powers of Marriage Officers and their districts;

(b) the manner in which a Marriage Officer may hold any inquiry under this Act;

(c) the manner in which notices of marriage shall be published;

(d) the places in which and the hours between which marriages under this Act may be solemnized;

(e) the form and the manner in which any books required by or under this Act to be kept shall be maintained;

(f) the form and manner in which certificates of marriages may be entered under sub-section (3) of section 17;

(g) the fees that may be levied for the performance of any duty imposed upon a Marriage Officer under this Act;

(h) the authorities to which, the form in which and the intervals within which copies of entries in the Marriage Certificate Book shall be sent, and, when corrections are made in the Marriage Certificate Book, the manner in which certificates of such corrections shall be sent to the authorities;

(i) the inspection of any books required to be kept under this Act and the furnishing of certified copies of entries therein;

(j) the manner in which and the conditions subject to which any marriage may be recognized under section 23;

(k) any other matter which may be, or requires to be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no

effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

43 of 1954.

29. In the Special Marriage Act, 1954,—Amendment
of Act 43 of
1954.

(a) in section 1, in sub-section (2), for the words "outside the said territories", the words "in the State of Jammu and Kashmir" shall be substituted;

(b) in section 2, clauses (a) and (c) shall be omitted;

(c) in section 3, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) For the purposes of this Act, in its application to citizens of India domiciled in the territories to which this Act extends who are in the State of Jammu and Kashmir, the Central Government may, by notification in the Official Gazette, specify such officers of the Central Government as it may think fit to be the Marriage Officers for the State or any part thereof."

(d) in section 4, for clause (e), the following clause shall be substituted, namely:—

"(e) Where the marriage is solemnized in the State of Jammu and Kashmir, both parties are citizens of India domiciled in the territories to which this Act extends."

(e) in section 10, for the words "outside the territories to which this Act extends in respect of an intended marriage outside the said territories", the words "in the State of Jammu and Kashmir in respect of an intended marriage in that State" shall be substituted;

(f) in section 50, in sub-section (1), the words "diplomatic and consular officers and other" shall be omitted.

14 of 1903.

30. The Indian Foreign Marriage Act, 1903, is hereby repealed.

Repeal.

THE FIRST SCHEDULE

(See section 5)

FORM OF NOTICE OF INTENDED MARRIAGE

To

The Marriage Officer

for.....

We hereby give you notice that a marriage under the Foreign Marriage Act, 1963, is intended to be solemnized between us within three months from the date hereof.

Nam and father' s nam	Condition	Occu- pation	Date of birth	Dwell- ing place	Permanent dwelling place and present dwelling place if not per- manent	Length of residence in the present dwelling place
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A.B. Unmarried
Widower
Divorcee

C.D. Unmarried
Widow
Divorcee

Witness our hands, this.....day of
19

Sd: A.B.

Sd: C.D.

THE SECOND SCHEDULE

(See section 12)

DECLARATION TO BE MADE BY THE BRIDEGROOM

I, A.B., hereby declare as follows:—

1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).

2. I have completed.....years of age.
3. I am not related to C.D. (the bride) within the degrees of prohibited relationship.
4. I am a citizen of.....
(to be filled up)
5. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.
Sd: A.B. (the bridegroom)

DECLARATION TO BE MADE BY THE BRIDE

I, C.D., hereby declare as follows:—

1. I am at the present time unmarried (or a widow, or a divorcee, as the case may be).
2. I have completed.....years of age.
3. I am not related to A.B. (the bridegroom) within the degrees of prohibited relationship.
4. I am a citizen of.....
(to be filled up)
5. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.
Sd: C.D. (the bride)

Signed in our presence by the above named A.B. and C.D. So far as we are aware, there is no lawful impediment to the marriage.

Sd: G.H.
Sd: I.J.
Sd: K.L.

} Three witnesses.

(Countersigned) E.F.

Marriage Officer.

Dated the.....day of.....19

THE THIRD SCHEDULE

(See section 14)

FORM OF CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the..... day of..... 19..... A.B. and C.D.....¹appeared before me and that the declaration required by section^{*} of the Foreign

¹H rein give particulars of the parties.

^{*}To be entered.

Marriage Act, 1963, was duly made, and that a marriage under that Act was solemnized between them in my presence and in the presence of three witnesses who have signed hereunder.

Sd: E.F.

Marriage Officer.

Sd: A.B. (bridegroom)

Sd: C.D. (bride)

Sd: I.J.

Sd: G.H.

Sd: K.L.

} Three witnesses.

Dated the..... day of19.....

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to implement the Twenty-third Report of the Law Commission on the law relating to foreign marriages. There is, at present, considerable uncertainty as to the law on the subject, as the existing legislation touches only the fringes of the subject and the matter is governed by principles of private international law which are by no means well-settled, and which cannot readily be applied to a country such as ours in which different marriage laws apply to different communities. The Special Marriage Act, 1954 sought to remove the uncertainty to some extent by providing that marriages abroad between citizens of India who are domiciled in India might be solemnized under it.

In the course of the debates in relation to that Act in Parliament, it was urged that a provision should also be made for marriages abroad where one of the parties alone is an Indian citizen. In this context, an assurance was given that Government would, after careful consideration, introduce comprehensive legislation on the subject of foreign marriages. The present Bill is the outcome of that assurance.

2. The Bill is modelled on the Special Marriage Act, 1954, and the existing English and Australian legislation on the subject of foreign marriages, subject to certain important modifications rendered necessary by the peculiar conditions obtaining in our country.

The following are the salient features of the Bill:—

(i) It provides for an enabling form of marriage more or less on the same lines as the Special Marriage Act, 1954 which can be availed of outside India where one of the parties to the marriage is an Indian citizen; the form of marriage thus provided being not in supersession of, but only in addition to or as an alternative to, any other form that might be permissible to the parties.

(ii) It seeks to lay down certain rules in respect of capacity of parties and conditions of validity of marriage and also provides for registration of marriages on lines similar to those in the Special Marriage Act, 1954.

(iii) The provisions of the Special Marriage Act, 1954, in regard to matrimonial reliefs are sought to be made applicable, with suitable modifications, not only to marriages solemnized or registered under the proposed legislation, but also to other marriages solemnized abroad to which a citizen of India is a party.

NEW DELHI;
The 3rd May, 1963.

ASOKE K. SEN.

Notes on Clauses

Clause 2.—Any ship in the territorial waters of a foreign country will be deemed to be a foreign country and that expression is defined accordingly so that solemnization of marriages on board such ships may be facilitated.

Clause 3.—This provides for the appointment of Marriage Officers and follows section 3 of the Special Marriage Act.

Clause 4.—Apart from making it clear that only marriages between parties, one of whom at least is a citizen of India, can be solemnized under the proposed Act, this clause lays down the essential conditions of a marriage, following in this respect mainly the corresponding provisions in the Special Marriage Act.

Clauses 5 and 6.—These procedural clauses follow sections 5 and 6 of the Special Marriage Act.

Clause 7.—This follows sub-sections (1) and (3) of section 7 of the Special Marriage Act, but as the marriage would take place outside India and one of the parties would be an Indian citizen, it has been provided that the notice shall be published in India as well as in the country or countries of residence of the parties.

Clause 8.—This is modelled on section 8 of the Special Marriage Act and the Explanation is intended to fix the date of publication.

Clauses 9 and 10.—These follow the corresponding provisions in the Special Marriage Act.

Clause 11.—This is intended to ensure that marriages prohibited by any law in force in the foreign country or marriages appearing to be in contravention of international law or the comity of nations are not solemnized under the proposed Act, so that marriages solemnized thereunder have a high degree of international validity.

Clause 12.—This follows section 11 of the Special Marriage Act.

Clause 13.—This deals with the place and form of solemnization of marriages and is modelled on corresponding provisions in the laws of other countries and the Special Marriage Act.

Clause 14.—This follows section 13 of the Special Marriage Act, except that the certificate of marriage has been made conclusive proof

of compliance with formalities regarding residence of a party also. This will enhance the utility of the certificate.

Clause 15.—This provides for the recognition by courts in India of the validity of marriages solemnized under the proposed Act.

Clause 16.—This follows section 14 of the Special Marriage Act.

Clause 17.—This provides for registration of marriages solemnized under the law of a foreign country. A marriage will not be registered unless it satisfies the conditions of validity applicable to marriages solemnized under our proposed law. The clause also provides for the mode of registration and consequences of registration. A marriage once registered under the proposed Act will be deemed to have been solemnized under it.

Clause 18.—Sub-clause (1) applies the provisions of Chapters IV to VII of the Special Marriage Act so as to—

(i) define the consequences of a marriage under the proposed law; and

(ii) provide for matrimonial relief.

Read with sub-clause (4), it covers also foreign marriages under other laws for which matrimonial relief is not available in India under any other law. Sub-clause (2) is intended to define the district court which will have jurisdiction for granting relief and sub-clause (3) embodies the recognised principles of private international law as to jurisdiction of Indian courts to grant matrimonial relief.

While providing for matrimonial relief in respect of foreign marriages under other laws, care has been taken to ensure that—

(a) the validity of such marriages is not affected by the provisions of the proposed law; and

(b) even where such a marriage is registered under this law, its validity is not affected by the said provisions, the only relief available in such a case being cancellation of registration.

Clause 19.—This follows section 44 of the Special Marriage Act and in its application to a second marriage taking place outside India, it is confined to citizens of India, following the principle underlying section 4 of the Indian Penal Code.

Clauses 20 to 22.—These provide for penalties for certain contraventions.

Clause 23.—This provides for recognition in India of marriages solemnized under a law in force outside India, if that law provides for recognition of marriages solemnized under the Indian law and it

is based upon a similar provision in the Australian Marriage (Overseas) Act, 1955.

Clause 24.—Based on its Australian counterpart, certification under this clause is given an evidentiary value, so that a document issued by a Marriage Officer can be admitted as evidence in India

Clause 25.—This seeks to provide that certified copies of entries in the Marriage Certificate Book shall be evidence.

Clause 26.—This seeks to provide for correction of errors.

Clause 27.—This clause, saving marriages solemnized under other laws, has been inserted by way of abundant caution.

Clause 29.—This makes certain consequential amendments in the Special Marriage Act, 1954.

Clause 30.—Opportunity is taken to repeal the Indian Foreign Marriage Act, 1903 which is really ancillary to the U.K. Foreign Marriage Act, 1892 which has already been formally repealed by Act 57 of 1960.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 28 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. The matters in respect of which such rules may be made relate, *inter alia*, to the duties and powers of Marriage Officers, their districts, the manner in which they may hold enquiries, the manner in which notice of marriage shall be published, the places where and hours between which marriages may be solemnized, the form and manner in which certificates of marriages may be entered, the fees for the performance of various duties under the proposed Act, the manner in which and the conditions subject to which any marriage may be recognised thereunder and other matters of procedure, form or detail and as such the delegation of legislative power is of a normal character.

II

BILL No. XIII OF 1963

A Bill further to amend the Drugs and Cosmetics Act, 1940.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Drugs and Cosmetics (Amendment) Act, 1963.

Short title
and commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

23 of 1940.

2. In section 3 of the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act),—

Amendment
of section 3

(a) in sub-clause (i) of clause (b), the words "other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine" shall be omitted;

(b) for clause (h), the following clause shall be substituted, namely:—

‘(h) “patent or proprietary medicine” means a drug which is a remedy or prescription presented in a form ready for internal or external administration of human beings or animals and which is not included in the edition of the Indian pharmacopoeia for the time being or in any other pharmacopoeia authorised in this behalf by the Central Government after consultation with the Board;’

Amendment
of section 5.

3. In section 5 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Board shall consist of the following members, namely:—

(i) the Director General of Health Services, *ex-officio*; who shall be Chairman;

(ii) the Drugs Controller, India, *ex-officio*;

(iii) the Director of the Central Drugs Laboratory, Calcutta, *ex-officio*;

(iv) the Director of the Central Research Institute, Kasauli, *ex-officio*;

(v) the Director of the Indian Veterinary Research Institute, Izatnagar, *ex-officio*;

(vi) the President of the Medical Council of India, *ex-officio*;

(vii) the President of the Pharmacy Council of India, *ex-officio*;

(viii) the Director of the Central Drug Research Institute, Lucknow, *ex-officio*;

(ix) the Adviser in indigenous systems of medicine, Ministry of Health, *ex-officio*;

(x) one person, to be nominated by the Central Government, who is in charge of drugs control in a State;

(xi) one person, to be nominated by the Central Government, from among teachers in pharmacy or pharmaceutical chemistry or pharmacognosy on the staff of an Indian university or a college affiliated thereto;

(xii) one person, to be nominated by the Central Government, from among teachers in medicine or therapeutics on the staff of an Indian university or a college affiliated thereto;

(xiii) one person to be nominated by the Central Government from the pharmaceutical industry or the pharmaceutical profession;

(xiv) two persons to be nominated by the Central Government who shall represent the Ayurvedic and Unani drug industry;

(xv) one pharmacologist to be elected by the Governing Body of the Indian Council of Medical Research;

(xvi) one person to be elected by the Central Council of the Indian Medical Association;

(xvii) one person to be elected by the Council of the Indian Pharmaceutical Association;

(xviii) one person to be elected by the Central Council of Ayurvedic Research.”;

(b) in sub-section (3) for the proviso, the following proviso shall be substituted, namely:—

“Provided that the person nominated under clause (x) or clause (xi) or clause (xii) of sub-section (2) shall hold office for so long as he holds the appointment of the office by virtue of which he was nominated to the Board.”.

4. After section 9A of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
9B.

“9B. For the purposes of this Chapter, a drug shall be deemed to be adulterated—

Adulterated
drugs.

(a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if any substance has been—

(i) mixed or packed therewith so as to reduce its quality or strength; or

(ii) substituted wholly or in part therefor.”.

Amendment of section 10. 5. In section 10 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

“(bb) any adulterated drug;”.

Amendment of section 12. 6. In section 12 of the principal Act, in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

“(cc) prescribe the colour under clause (d) of section 9B;”.

Insertion of new section 17B. 7. After section 17A of the principal Act, the following section shall be inserted, namely:—

Adulterated drugs. “17B. For the purposes of this Chapter a drug shall be deemed to be adulterated—

(a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if any substance has been—

(i) mixed or packed therewith so as to reduce its quality or strength; or

(ii) substituted wholly or in part therefor.”.

Amendment of section 18. 8. In section 18 of the principal Act, in clause (a), after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iia) any adulterated drug;”.

Amendment of section 19. 9. In section 19 of the principal Act,—

(a) in sub-section (2),—

(i) for the words and figures “For the purposes of section 18 a drug or cosmetic shall not be deemed to be mis-

branded or to be below standard quality", the words and figures "For the purposes of section 18 a drug shall not be deemed to be misbranded or adulterated or to be below standard quality nor shall a cosmetic be deemed to be misbranded or to be below standard quality" shall be substituted;

(ii) clause (aa) shall be omitted;

(b) sub-section (3) shall be omitted.

10. In section 23 of the principal Act,—

Amendment
of section 23.

(a) in sub-section (3),—

(i) for the words "four portions", the words "three portions" shall be substituted;

(ii) the first proviso shall be omitted;

(iii) in the second proviso, the word "further" shall be omitted and for the words "shall, take three or four, as the case may be", the words "shall take three" shall be substituted;

(b) in sub-section (4), for clauses (i), (ii) and (iii), the following clauses shall be substituted, namely:—

"(i) one portion or container he shall forthwith send to the Government Analyst for test or analysis; and

(ii) the other he shall produce to the Court before which proceedings, if any, are instituted in respect of the drug or cosmetic."

11. In section 25 of the principal Act,—

Amendment
of section 25.

(a) in sub-section (1), for the word "triplicate", the word "duplicate" shall be substituted;

(b) in sub-section (2), the words, brackets and figures "and another copy to the warrantor, if any, named under the proviso to sub-section (3) of section 19" shall be omitted and for the words "the third copy", the words "the other copy" shall be substituted;

(c) in sub-section (3), the words "or the said warrantor" shall be omitted.

12. In section 27 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

Amendment
of section 27.

"(a) deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of section 17 or adulterated under section 17B, shall be punishable with im-

prisonment for a term which shall not be less than one year but which may extend to ten years and shall also be liable to fine;".

Omission of
section 28.

13. Section 28 of the principal Act shall be omitted.

Amendment
of section 30.

14. In section 30 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) under clause (a) of section 27 is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to ten years and shall also be liable to fine;";

(ii) in clause (b), for the words "five years", the words "ten years" shall be substituted.

(b) in sub-section (2),—

(i) the words and figures "section 28 or" shall be omitted; and

(ii) for the words "two years", the words "ten years" shall be substituted.

Amendment
of section 31.

15. In section 31 of the principal Act,—

(a) in sub-section (1), the words, figures, brackets and letters "and if such contravention is in respect of manufacture of any drug deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of section 17 or adulterated under section 17B, any implements or machinery used in such manufacture and any receptacles, packages or coverings in which such drug is contained and the animals, vehicles, vessels or other conveyances used in carrying such drug shall also be liable to confiscation" shall be inserted at the end;

(b) in sub-section (2), for the words "or is a misbranded drug", the words "or is a misbranded or adulterated drug" shall be substituted.

Insertion of
new section
31A.

16. After section 31 of the principal Act, the following section shall be inserted, namely:—

Application
of provisions
to Govern-
ment depart-
ments.

"31A. The provisions of this Chapter except those contained in section 31 shall apply in relation to the manufacture, sale or distribution of drugs by any department of Government as they apply in relation to the manufacture, sale or distribution of drugs by any other person."

17. In section 33 of the principal Act, in sub-section (2),—

Amendment
of section 33.

(a) after clause (d), the following clause shall be inserted, namely:—

“(dd) prescribe the colour under clause (d) of section 17B;”;

(b) clause (m) shall be omitted;

(c) for clause (p), the following clause shall be substituted, namely:—

“(p) specify the offences against this Chapter or any rule made thereunder in relation to which an order of confiscation may be made under section 31;”.

18. After section 34 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
34A.

“34A. Where an offence under Chapter IV has been committed by any department of Government, such authority as the Central Government may, by order, specify in this behalf, or where no authority is specified, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
Government
departments.

Provided that nothing contained in this section shall render any such person liable to any punishment provided in that Chapter if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.”.

19. In section 36 of the principal Act, the words and figures “section 32 of” shall be omitted.

Amendment
of section 36.

Substitution
of Schedule.

20. For the Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE SCHEDULE

(See sections 8 and 16)

STANDARDS TO BE COMPLIED WITH BY IMPORTED DRUGS AND BY DRUGS MANUFACTURED FOR SALE, SOLD, STOCKED OR EXHIBITED FOR SALE OR DISTRIBUTED.

Class of drug	Standard to be complied with
1. Patent or proprietary medicines.	The formula or list of ingredients displayed in the prescribed manner on the label or container and such other standards as may be prescribed.
2. Substances commonly known as vaccines, sera, toxine, toxoids, antitoxins, and antigens and biological products of such nature.	The standards maintained at the International Laboratory for Biological Standards, Statens Seruminstitut, Copenhagen and such further standards of strength, quality and purity as may be prescribed.
3. Vitamins, hormones and analogous products.	The standards maintained at the International Laboratory for Biological Standards, National Institute for Medical Research, London, and such further standards of strength, quality and purity as may be prescribed.
4. Substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermins, or insects which cause disease in human beings or animals.	Such standards as may be prescribed.
5. Other drugs :—	
(a) Drugs included in the Indian Pharmacopoeia.	Standards of identity, purity and strength specified in the edition of the Indian Pharmacopoeia for the time being and such other standards as may be prescribed.
(b) Drugs not included in the Indian Pharmacopoeia but which are included in any Pharmacopoeia of any other country.	The standards of identity, purity and strength specified for the drugs in the edition of such pharmacopoeia for the time being and such other standards as may be prescribed."

Transitory
provision.

21. Until the constitution of the Drugs Technical Advisory Board under section 5 of the principal Act as amended by this Act, the Drugs Technical Advisory Board constituted under section 5 of the principal Act and functioning immediately before the commencement of this Act shall be deemed to be the Drugs Technical Advisory Board constituted under section 5 of the principal Act as amended by this Act and shall continue to function as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS

The provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940), do not apply to medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine. The preparation of Ayurvedic and Unani drug is no longer confined to Vaidyas and Hakims for their patients but has been commercialised by firms. There is a growing tendency on the part of certain manufacturers to market preparations containing partly modern drugs and partly Ayurvedic or Unani drugs under names which simulate Ayurvedic or Unani preparations, thus making it difficult to exercise control over them under the Drugs and Cosmetics Act, 1940. The Udupa Committee's report discloses that costly raw-materials such as gold, musk, pearl, saffron, etc., which are component ingredients in the various Ayurvedic and Unani preparations, are either not used or substituted by imitation products. For these reasons it is proposed to bring Ayurvedic and Unani drugs also within the scope of the Act.

In order to keep a check on drugs which are contaminated with foreign matter or which are manufactured, packed or held under insanitary conditions whereby they may have been contaminated or rendered injurious to health, it is proposed to bring within the scope of the Act a separate category called adulterated drugs and to prohibit the import, manufacture, sale, etc., of such drugs.

There has been a general demand throughout the country for enhancing the penalty for the manufacture and sale of misbranded and spurious drugs. Accordingly, it is proposed to enhance the maximum penalty of imprisonment provided for such offences to ten years and also to provide for the confiscation of property, apparatus, etc., used for the manufacture of such drugs.

The Bill mainly seeks to give effect to the above proposals.

NEW DELHI;

SUSHILA NAYAR

The 29th April, 1963.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the reconstitution of the Drugs Technical Advisory Board. At present an amount of Rs. 4,000 is spent from the Consolidated Fund of India towards the payment of travelling and other allowances to the members of the Board. The number of members of the reconstituted Board will be the same as of the existing Board. It is expected that no additional expenditure will be involved towards the payment of travelling and other allowances to the members of the reconstituted Board. In any case, the amount of additional expenditure would be negligible.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 6 and 17 of the Bill empower the Central Government to make rules prescribing the colour under clause (d) of section 9B and clause (d) of section 17B, respectively. The matters with respect to which rules are to be made are of routine nature and the delegation of legislative power is of a normal character.

III

BILL No. XV OF 1963

A Bill to amend the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Act, 1963.

Amendment of section 2. 2. In section 2 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (hereinafter referred to as the principal Act),—

21 of 1954.

(i) after clause (c), the following clause shall be inserted, namely:—

‘(cc) “registered medical practitioner” means any person,—

(i) who holds a qualification granted by an authority specified in, or notified under, section 3 of the Indian Medical Degrees Act, 1916 or specified in the Schedules to the Indian Medical Council Act, 1956; or

7 of 1916.

(ii) who is entitled to be registered as a medical practitioner under any law for the time being in force in any State to which this Act extends relating to the registration of medical practitioners;’

102 of 1956.

(ii) clause (e) shall be omitted.

3. In section 3 of the principal Act, for clause (d), the following clause shall be substituted, namely:— Amendment of section 3.

“(d) the diagnosis, cure, mitigation, treatment or prevention of any disease, disorder or condition specified in the Schedule, or any other disease, disorder or condition (by whatsoever name called) which may be specified in the rules made under this Act:

Provided that no such rule shall be made except—

(i) in respect of any disease, disorder or condition which requires timely treatment in consultation with a registered medical practitioner or for which there are normally no accepted remedies, and

(ii) after consultation with the Drugs Technical Advisory Board constituted under the Drugs and Cosmetics Act, 1940 and, if the Central Government considers necessary, with such other persons having special knowledge or practical experience in respect of Ayurvedic or Unani systems of medicines as that Government deems fit.”.

3 of 19

4. In section 7 of the principal Act, after the words “any of the provisions of this Act”, the words “or the rules made thereunder” shall be inserted. Amendment of section 7.

5. For section 8 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 8.

“8. (1) Subject to the provisions of any rules made in this behalf, any person authorised by the State Government may, within the local limits of the area for which he is so authorised,— Powers of entry, search, etc.

(a) enter and search at all reasonable times, with such assistants, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed;

(b) seize any advertisement which he has reason to believe contravenes any of the provisions of this Act:

Provided that the power of seizure under this clause may be exercised in respect of any document, article or thing which contains any such advertisement, including the contents, if any, of such document, article or thing, if the advertisement cannot be separated by reason of its being embossed

or otherwise, from such document, article or thing without affecting the integrity, utility or saleable value thereof;

(c) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

(2) The provisions of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code. 5 of 1898.

(3) Where any person seizes anything under clause (b) or clause (c) of sub-section (1), he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof."

Insertion of
new section
9A.

6. After section 9 of the principal Act, the following section shall be inserted, namely:—

Offences to
be cogni-
zable.

"9A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognizable."

5 of 1898.

Insertion of
new section
10A.

7. After section 10 of the principal Act, the following section shall be inserted, namely:—

Forfeiture.

"10A. Where a person has been convicted by any court for contravening any provision of this Act or any rule made thereunder, the court may direct that any document (including all copies thereof), article or thing, in respect of which the contravention is made, including the contents thereof where such contents are seized under clause (b) of sub-section (1) of section 8, shall be forfeited to the Government."

Substitu-
tion of new
section for
section 14.
Savings.

8. For section 14 of the principal Act, the following section shall be substituted, namely:—

"14. Nothing in this Act shall apply to—

(a) any sign board or notice displayed by a registered medical practitioner on his premises indicating that treatment for any disease, disorder or condition specified in section 3, the Schedule or the rules made under this Act, is undertaken in those premises; or

(b) any treatise or book dealing with any of the matters specified in section 3 from a *bona fide* scientific or social standpoint; or

(c) any advertisement relating to any drug sent confidentially in the manner prescribed under section 16 only to a registered medical practitioner; or

(d) any advertisement relating to a drug printed or published by the Government; or

(e) any advertisement relating to a drug printed or published by any person with the previous sanction of the Government granted prior to the commencement of the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Act, 1963:

Provided that the Government may, for reasons to be recorded in writing, withdraw the sanction after giving the person an opportunity of showing cause against such withdrawal."

9. In section 15 of the principal Act,—

Amendment
of section
15.

(i) after the words "any specified drug or class of drugs", the words "or any specified class of advertisements relating to drugs" shall be inserted;

(ii) after the words "any such drug or class of drugs", the words "or any such class of advertisements relating to drugs" shall be inserted.

10. In section 16 of the principal Act,—

Amendment
of section 16.

(a) in sub-section (2)—

(i) in clause (a), for the words "disease or condition", the words "disease, disorder or condition" shall be substituted;

(ii) in clause (b), the words, brackets and figure "sub-section (1) of" shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days

which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Insertion of
a new Schedule.

11. After section 16 of the principal Act, the following Schedule shall be added, namely:—

“THE SCHEDULE

[See sections 3(d) and 14]

S. No. Name of the disease, disorder or condition

1. Appendicitis
2. Arteriosclerosis
3. Blindness
4. Blood poisoning
5. Bright's disease
6. Cancer
7. Cataract
8. Deafness
9. Diabetes
10. Diseases and disorders of the brain
11. Diseases and disorders of the optical system
12. Diseases and disorders of the uterus
13. Disorders of menstrual flow
14. Disorders of the nervous system
15. Disorders of the prostatic gland
16. Dropsy
17. Epilepsy
18. Female diseases (in general)
19. Fevers (in general)
20. Fits
21. Form and structure of the female bust

S. No.	Name of the disease, disorder or condition
22.	Gall stones, kidney stones and bladder stones
23.	Gangrene
24.	Glaucoma
25.	Goltre
26.	Heart diseases
27.	High or low blood pressure
28.	Hydrocele
29.	Hysteria
30.	Infantile paralysis
31.	Insanity
32.	Leprosy
33.	Leucoderma
34.	Lockjaw
35.	Locomotor ataxia
36.	Lupus
37.	Nervous debility
38.	Obesity
39.	Paralysis
40.	Plague
41.	Pleurisy
42.	Pneumonia
43.	Rheumatism
44.	Ruptures
45.	Sexual impotence
46.	Smallpox
47.	Stature of persons
48.	Sterility in women
49.	Trachoma
50.	Tuberculosis
51.	Tumours
52.	Typhoid fever
53.	Ulcers of the gastro-intestinal tract
54.	Venereal diseases, including syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma."

STATEMENT OF OBJECTS AND REASONS

The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 came into force on the 1st April, 1955. The object of the Act is to prevent self-medication and self-treatment in certain diseases and for this purpose, advertisements commending drugs and remedies for treatment of certain diseases and conditions have been prohibited. The constitutionality of this Act was challenged before the Supreme Court on the ground that the Act as a whole infringed the fundamental right of freedom of speech and expression under article 19(1) (a) of the Constitution and the fundamental right to carry on trade and business under article 19(1) (f) and (g). The Supreme Court while upholding the provisions of the Act in general, struck down a part of clause (d) of section 3 and the whole of section 8 as invalid on the ground that the power to specify diseases by rules, and the power of seizure conferred by the section, are too wide. It has, therefore, become necessary to amend the Act so as to eliminate the defects pointed out by the Supreme Court.

This opportunity of amending the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, has been availed of to review the working of the Act as a whole and to carry out certain other minor amendments also which are deemed necessary for a proper working of the Act. The Bill is intended to achieve the above objects.

NEW DELHI;

SUSHILA NAYAR.

The 29th April, 1963.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 3 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954) prohibits the advertisement of drugs for treatment of certain diseases, disorders or conditions. Clause 3 which seeks to amend that section read with section 16 as being amended, empowers the Central Government to make rules specifying other diseases, disorders or conditions to which also the scope of the said prohibition would extend. Such a provision is necessary in view of the fact that it may not be possible to enumerate all diseases, disorders or conditions in the Schedule to the Act itself. The power so vested can be exercised only in respect of diseases, disorders or conditions specified therein after consultation with experts.

The delegation of legislative power is of a normal character.

S. N. MUKERJEE,
Secretary.

